

REMARKS

Claims 1-13 and 15-23 are pending. Applicants address each of the objections and rejections below in the order in which they appear in the Action.

I. § 102 Rejections

Claims 1-4, 12, 13, 17 and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,923,202 to Riccio (Riccio). Applicants respectfully traverse this rejection.

Claim 1 recites a unitary medicament dispenser device for use in the delivery of a first medicament and at least one further medicament as a combination medicament product, the device comprising

- a first medicament dispenser containing said first medicament;
- at least one further medicament dispenser containing said at least one further medicament, and
- a mixing chamber comprising inlets for receiving medicament from each medicament dispenser and an outlet for delivery of the combination medicament product,

wherein said first medicament dispenser and said at least one further medicament dispenser enable the first and the at least one further medicament to be kept separate until the point of delivery, and the first medicament dispenser is different in type to the at least one further medicament dispenser.

Applicants respectfully submit that Riccio neither discloses nor suggests the device recited in claim 1.

The Office Action states, in part, that “Riccio teaches an apparatus that comprises a first medicament container **18** containing the first medicament (**see figure 1**).” This statement is simply inaccurate. Cylinder **18** is not a medicament container containing a medicament, but is instead a cylinder for delivering air used to dispense a spray of fine droplets. At col. 3, lines 27-32, Riccio describes the cylinder as follows:

A source of gas under pressure in the form of an air compressing piston cylinder means is provided on the opposite end of the body **10** from the measured dose dispenser, and in the embodiment disclosed comprises a cylinder **18** which extends downwardly from the body **10** and within which a piston **19** is slidably positioned.

And at col. 4, line 56 to col. 5, line 11, Riccio describes the operation of the device as follows:

In the operation of the overall device, when pressure is exerted by the fingers of the user on the cylinder **32** of the measured dose dispenser and the

piston **19** of the air compressing piston cylinder means, the measured does dispenser is caused to operate to dispense a squirt of liquid through the hollow stem portion **37** into the product flow path **15** and into the mixing chamber **17**. At the same time, air is compressed in the cylinder **18** ahead of the piston **19**. However, until the piston **19** reaches the end of its stroke, the poppet valve **25** remains closed. When the actuating pin **29** hits the poppet valve **25**, the poppet valve is lifted from the seat **26**, as shown in FIG. 2, and the air compressed in the cylinder **18** is suddenly released to flow through the compressed air path to the mixing chamber **17** around the nozzle insert **14**. The compressed air flowing into the mixing chamber **17** mixes and shears the liquid under pressure from the metered dose dispenser and this mixture flows through the lateral passages **14b** and then out through central outlet passage **14a** of the nozzle insert. Due to this mechanical break action the liquid is immediately dispensed from the nozzle insert as a fine spray of droplets of the liquid in compressed air without there first being ejected relatively large droplets of liquid.

Thus, cylinder **18** of Riccio is not a first medicament container **18** containing the first medicament as asserted in the Office Action, but is instead a cylinder used to deliver compressed air to the mixing chamber **17**. Furthermore, there is no suggestion in Riccio that cylinder **18** be used as a first medicament container containing a first medicament as recited in claim 1.

For at least the foregoing reasons, Applicants respectfully submit that Riccio neither discloses nor suggests the recitations of claim 1 and requests that this rejection be withdrawn.

Claims 2-4, 12, 13, 17 and 18 each depend, either directly or indirectly, from patentable independent claim 1. For at least this reason and without acquiescing in the Office Action's rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable and respectfully request that these rejections be withdrawn.

II. § 103 Rejections

Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Riccio. Claim 23 depends from patentable independent claim 1. For at least this reason and without acquiescing in the Office Action's rejection of this claim, Applicants respectfully submit that this dependent claim is also patentable and respectfully request that this rejection be withdrawn.

Claims 5-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Riccio in view of U.S. Patent No. 3,704,725 to Marand. Claims 5-11 depend, either directly or indirectly, from patentable independent claim 1. For at least this reason and without

acquiescing in the Office Action's rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable and respectfully request that these rejections be withdrawn.

Claims 19-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Riccio in view of U.S. Patent No. 5,002,048 to Makiej, Jr. Claims 19-22 depend, either directly or indirectly, from patentable independent claim 1. For at least this reason and without acquiescing in the Office Action's rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable and respectfully request that these rejections be withdrawn.

Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Riccio in view of U.S. Patent No. 6,958,691 to Anderson *et al.* Claim 16 depends from patentable independent claim 1. For at least this reason and without acquiescing in the Office Action's rejection of this claim, Applicants respectfully submit that this dependent claim is also patentable and respectfully request that this rejection be withdrawn.

III. Conclusion

Applicants respectfully request consideration of this response and the issuance of a Notice of Allowance forthwith. The Examiner is invited to contact the undersigned at (919) 483-9024, to discuss this case, if desired.

Respectfully submitted,

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